

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

September 23, 2008

3:30 P.M. SCHEDULED SESSION

3:38 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jack Sammons, Jim Strickland, Barbara Swearengen Ware and Chairman Myron Lowery

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Calvin Crawford from Greater Hope Baptist Church. Councilwoman Halbert presented Pastor Crawford with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

53. RESOLUTION COMMENDING MUHAMMAD A. AYESH FOR HIS HEROIC ROLE IN RESCUING A CITIZEN FROM AN AUTOMOBILE ACCIDENT.

MOTION: Morrison
SECOND: Sammons

APPROVED, unanimous voice vote

52. RESOLUTION HONORING THE MIDSOUTH FOOD BANK IN RECOGNITION OF HUNGER ACTION MONTH.

MOTION: Ware
SECOND: Collins

APPROVED, unanimous voice vote

51. **RESOLUTION COMMENDING THE MEMPHIS/SHELBY COUNTY PORT COMMISSION ON RECEIVING THE MEMPHIS DISTRICT'S OUTSTANDING MAINTENANCE AWARD.**

MOTION: Fullilove
SECOND: Halbert

APPROVED, unanimous voice vote

49. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF POPLAR AVENUE; +/-670 FEET WEST OF MASSEY ROAD, CONTAINING 3.67 ACRES CURRENTLY GOVERNED BY FLEMING'S STEAKHOUSE PLANNED DEVELOPMENT (P.D. 04-374).**

Case No. PD 08-321

Applicant: Poplar Station, LLC
Harkavy-Shainberg, PLC (Ronald Harkavy) – Representative

Request: Planned development to allow a one-story retail building
6,000 square feet in area within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED, as amended

48. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF QUINCE ROAD, +60 FEET NORTH OF KIRBY GATE BOULEVARD CONTAINING 14.01 ACRES IN THE SINGLE FAMILY RESIDENTIAL FLOOD PLAIN (R-S10{FP}) AND FLOODWAY (FW) DISTRICTS.**

Case No. PD 07-331

(Companion Case No. Z 07-118)

Applicant: Wills and Wills, L.P. (Walter Wills)
Fisher & Arnold (Jud TePaske) – Representative

Request: Reinstate P.D., formerly PD 97-353, to permit uses in the Townhouse Residential District and institutional uses such as an Assisted Living or a Nursing Home. This request includes a specific plan for a Hospice Facility in Area A

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth
 SECOND: Collins
 AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

46. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF MONTEREY ROAD; +/-350 FEET EAST OF COLLIERVILLE-ARLINGTON ROAD, CONTAINING 3.95 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 08-219cc

Applicant: Spring Creek Ranch Club, LLC
 Solomito Land Planning – Representative

Request: Golf swing analysis and fitting studio

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth
 SECOND: Strickland
 AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

45. **ORDINANCE REZONING THE SOUTHEAST CORNER OF JAMES ROAD AND NEW RALEIGH ROAD, CONTAINING 2.1997 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND AGRICULTURAL (AG) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5274

Case No. Z 08-105

Applicant: Romelius Kizer/PGBT, LLC
 Frank P. Palumbo, Jr. – Doveland Engineering – Representative

Request: Rezone from Agricultural (AG) District to Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

MOTION: Hedgepeth
 SECOND: Strickland

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

44. **ORDINANCE REZONING THE EAST SIDE OF QUINCE ROAD; +/-60 FEET NORTH OF KIRBY GATE BOULEVARD, CONTAINING 5.878 ACRES IN THE SINGLE FAMILY RESIDENTIAL FLOOD PLAIN (R-S10{FP}) AND FLOODWAY (FW) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5273

Case No. Z 07-118

(Companion Case: PD 07-331)

Applicant: Wills and Wills L.P. (Walter Wills)
Fisher and Arnold (Jud Te Paske) – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

MOTION: Hedgepeth

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of September 9, 2008 with the following motion:

MOTION: Ware

SECOND: Brown

AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Boyd did not cast a vote

APPROVED, as amended (Councilwoman Ware requested that Jack Sammons name be removed from roll call record)

CONSENT AGENDA – Items 1 - 12 may be acted upon by one motion: SEE PAGE 2647 FOR ROLL CALL

1. **ORDINANCE AMENDING CHAPTER 7-8, ARTICLE II, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION, UP FOR S E C O N D READING.**

Ordinance No. 5276

APPROVED, on Second reading

2. **ORDINANCE REZONING THE EAST SIDE OF NORTH SECOND STREET, OPPOSITE OF PEAR AND PLUM AVENUE INTERSECTIONS, CONTAINING 8.40 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5280

Case No. Z 08-108

APPROVED, on First reading

3. **ORDINANCE REZONING THE WEST SIDE OF SOUTH WILLETT STREET, 75-135 FEET NORTH OF MONROE AVENUE, CONTAINING 6,725 SQUARE FEET IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5277

Case No. Z 08-103

APPROVED, on Second reading

4. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES ROAD; 600 FEET WEST OF ELVIS PRESLEY BOULEVARD, CONTAINING 0.48 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5278

Case No. Z 08-107

(Converted from U.V. 08-05)

APPROVED, on Second reading

5. **ORDINANCE REZONING THE NORTHEAST CORNER OF FRAYSER BOULEVARD AND ARDMORE STREET, CONTAINING 0.713 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5279

Case No. Z 08-106

APPROVED, on Second reading

6. **RESOLUTION APPROVING FINAL PLAT OF DEXTER WAY PD, AREA 'B', PHASE 2.**

Case No. PD 02-236

Contract No. CR-5117

Resolution approves the final plat located on Dexter Road, west of Dexter Woods. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED**7. RESOLUTION ACCEPTING BUCKINGHAM FARMS PD, PHASE 12, PARCEL O AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 89-361cc
(Contract No. CR-3975)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of East Shelby Drive, 166 feet west of Meadow Cliff Drive. The standard improvement contract was approved on August 21, 1995. Resolution also authorizes the release of the letter of credit in the amount of \$34,100.00.

City Engineer recommends approval

APPROVED**8. RESOLUTION ACCEPTING STATE PLACE, PHASE 2 AND AUTHORIZING RELEASE OF BOND.**

Case No. SCB 04-018
(Contract No. CR-4951)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located between Georgia and Carolina, 833.11 feet east of Riverside Drive. The standard improvement contract was approved on June 21, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$158,000.00.

City Engineer recommends approval

APPROVED**9. RESOLUTION APPROVING ENGINEERING PLANS OF HIGHLAND HEIGHTS BAPTIST CHURCH MEDIAN MODIFICATION.**

Contract No. CR-5119

Resolution approves the engineering plans located on the southwest corner of National Street and Faxon Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

10. **RESOLUTION ACCEPTING MEMPHIS INTERMODAL FACILITY LAMAR AVENUE SEWER RELOCATION AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5076)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of U.S. Highway 78, North of John's Creek. The standard improvement contract was approved on June 5, 2007. Resolution also authorizes the release of the performance bond in the amount of \$339,500.00.

City Engineer recommends approval

APPROVED

11. **RESOLUTION ACCEPTING CLEVELAND-LARKIN PLANNED DEVELOPMENT AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 05-364
(Contract No. CR-5017)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the eastside of North Claybrook, north of Poplar Avenue. The standard improvement contract was approved on June 20, 2006. Resolution also authorizes the release of the Letter of Credit in the amount of \$41,700.00.

City Engineer recommends approval

APPROVED

12. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

Chairman Lowery recognized the following person the audience:
Stoy Bailey, 1700 Vesey Ave., Memphis, TN. 38114

(Councilman Collins made a motion for 12B's Public Hearing be set for October 21, 2008. His motion was approved without objection)

A. Case No. PD 08-303
Public Hearing Set for October 7, 2008

B. Case No. PD 08-320
Public Hearing Set for October 21, 2008

ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Hedgepeth
AYES: Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth Morrison, Sammons,
Strickland, Ware and Chairman Lowery
Boyd and Brown did not cast a vote

APPROVED, as amended

MLGW FISCAL CONSENT – Items 13 – 22 may be acted upon by one motion:

13. **RESOLUTION AWARDDING CONTRACT NO. 11278, REROOF VARIOUS MLGW BUILDINGS AT SIX SITES, TO B FOUR PLIED, INC. IN THE FUNDED AMOUNT OF \$465,834.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 9955, PARTIAL FUNDING OF POLLUTION CONTROL/GROUND WATER QUALITY CONTROL PROGRAM, WITH MEMPHIS & SHELBY COUNTY HEALTH DEPARTMENT, IN THE FUNDED AMOUNT OF \$141,339.00. (THIS RENEWS THE CONTRACT FOR 2008.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 20 TO CONTRACT NO. 10780, OUTDOOR LIGHTING, WITH ALLIED ELECTRICAL CONTRACTORS, LLC, IN THE FUNDED AMOUNT OF \$4,488,758.93. (THIS EXTENDS THE CONTRACT FOR AN ADDITIONAL TERM, OCTOBER 1, 2008 TO SEPTEMBER 30, 2009, WITH A 3% INCREASE IN RATES.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11186, ENVIRONMENTAL ABATEMENT SERVICES, WITH GENERAL CONSTRUCTION SERVICES, INC. IN THE FUNDED AMOUNT OF \$1,000,000.00. (THIS COVERS COST OF INCREASED WORKLOAD RESULTING FROM STATE REGULATORY INSPECTIONS, POTENTIAL EXPOSURE TO ADVERSE ENVIRONMENTAL IMPACT, AND REDUCTION IN AVAILABLE INTERNAL RESOURCES.)**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11195, PAINTING OF WATER STORAGE TANKS, WITH BAZAN PAINTING COMPANY IN THE FUNDED AMOUNT OF \$9,536.00. (THIS INCREASES THE UNIT PRICE DUE TO**

DIESEL FUEL COST TO OPERATE EQUIPMENT AT EGYPT CENTRAL AND RALEIGH MILLINGTON.)

APPROVED

18. **RESOLUTION AWARDING 12-MONTH CONTRACT FOR WOODEN DEAD-END ASSEMBLIES TO HD SUPPLY UTILITIES IN THE AMOUNT OF \$201,000.00.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT FOR SIX STEP-VOLTAGE REGULATORS TO HD SUPPLY UTILITIES IN THE AMOUNT OF \$66,890.10.**

APPROVED

20. **RESOLUTION AWARDING CONTRACT FOR EIGHT VALVE ACTUATORS TO MIC SALES, INC. IN THE AMOUNT OF \$37,177.60.**

APPROVED

21. **RESOLUTION AWARDING CONTRACT FOR CORPORATE NETWORK UPGRADE TO COLEMAN TECHNOLOGIES, INC. IN THE AMOUNT OF \$578,834.76.**

APPROVED

22. **RESOLUTION GIVING CONTRACT AUTHORITY TO MLGW'S GENERAL COUNSEL FOR CLAIMS SETTLEMENT.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
 SECOND: Hedgepeth
 AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
 Brown did not cast a vote

APPROVED

23. **APPOINTMENTS**

HEALTH, EDUCATION & HOUSING FACILITY BOARD

REAPPOINTMENT

MONICE MOORE HAGLER

MEMPHIS LIGHT, GAS & WATER COMMISSION

APPOINTMENT

STEVEN WISHNIA

MOTION: Flinn

SECOND: Boyd

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Brown did not cast a vote

APPROVED

(Councilwoman Ware made a motion to approve same night minutes for Steven Wishnia. Her motion was approved without objection)

24. **ORDINANCE TO AMEND TITLE 6, CHAPTER 6-80, ARTICLE 7, SECTION 6-80-50 OF THE CODE OF ORDINANCES TO ESTABLISH A TEMPORARY FUEL SURCHARGE FOR THE TAXICAB INDUSTRY, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5275

Chairman Lowery recognized the following person from the audience:

Ham Smythe, 635 S .Willett, Memphis, TN. 38104

MOTION: Hedgepeth

SECOND: Collins

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Brown did not cast a vote

APPROVED

(Councilman Hedgepeth made a motion to approve same night minutes on Item #24. His motion was approved without objection)

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$7,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF MILITARY/TENNESSEE EMERGENCY MANAGEMENT AGENCY FOR THE MEMPHIS/SHELBY COUNTY EMA. THIS IS A PROVISION OF PASS THROUGH FUNDING TO SUBSIDIZE EMA'S ANNUAL GRANT TO PROVIDE SUBSIDY TO MEMPHIS/SHELBY COUNTY EXPENDITURES FOR LEPC. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Brown did not cast a vote

APPROVED

26. **RESOLUTION APPROPRIATING \$300,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT NUMBER IS01007, REPLACE OBSOLETE EQUIPMENT. THIS PROJECT WILL PROVIDE FUNDS TO REPLACE OBSOLETE EQUIPMENT AND INCREASE STORAGE CAPACITY ON MANY OF THE CITY'S WORKSTATIONS AND SERVERS.**

MOTION: Sammons

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

27. **RESOLUTION APPROPRIATING \$700,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2009 CIP BUDGET TO PURCHASE DEFIBRILLATOR/MONITORS FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$700,000.00.**

MOTION: Hedgepeth

SECOND: Sammons

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

28. **RESOLUTION APPROPRIATING \$1,304,925.00 IN G.O. BONDS FROM THE FISCAL YEAR 2009. CIP BUDGET TO PURCHASE THREE (3) PUMPERS FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$1,304,925.00.**

MOTION: Hedgepeth

SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Sammons, Strickland, Ware and Chairman Lowery

APPROVED

29. **RESOLUTION APPROPRIATING \$200,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2009 CIP BUDGET TO PURCHASE AIRMASK SYSTEM UNITS AND ACCESSORIES FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$200,000.00.**

MOTION: Hedgepeth
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Sammons, Strickland, Ware and Chairman Lowery

APPROVED

30. **RESOLUTION APPROPRIATING \$625,000.00 IN G.O. BONDS FROM THE FISCAL YEAR 2009 CIP BUDGET TO PURCHASE FIRE FIGHTING TURNOUTS/FIRE PROTECTIVE ENSEMBLE FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$625,000.00.**

MOTION: Hedgepeth
SECOND: Strickland
AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Sammons, Strickland, Ware and Chairman Lowery
Boyd did not cast a vote

APPROVED

31. **RESOLUTION APPROPRIATING \$3,500,000.00 FUNDED BY G.O. BONDS GENERAL WITHIN MHA-DIXIE HOMES, PROJECT NUMBER CD01033 FOR CONSTRUCTION COSTS.**

MOTION: Ford
SECOND: Sammons
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth Morrison, Sammons,
Strickland, Ware and Chairman Lowery
Flinn did not cast a vote

APPROVED

32. **RESOLUTION APPROPRIATING \$4,000,000.00 FUNDED BY G.O. BONDS GENERAL WITHIN MHA-LAMAR TERRACE/UNIVERSITY PLACE, PROJECT NUMBER CD01015 FOR INFRASTRUCTURE AND CONSTRUCTION COSTS.**

MOTION: Ford
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

33. **RESOLUTION TRANSFERRING OWNERSHIP, OPERATION AND MAINTENANCE OF MISSISSIPPI RIVER GREENBELT PARK FROM SHELBY COUNTY AND THE SHELBY COUNTY CONSERVATION BOARD TO THE CITY OF MEMPHIS.**

MOTION: Strickland
SECOND: Ford
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery

APPROVED

34. **RESOLUTION AMENDING THE FY 2009 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING \$54,000.00 FUNDED BY G.O. BONDS GENERAL, IN UNENCUMBERED APPROPRIATION FROM ARCHITECT/ENGINEERING TO CONSTRUCTION AND TO APPROPRIATE \$54,000.00 FUNDED BY G.O. BONDS GENERAL IN CONSTRUCTION.**

Council did include Overton Park Shell Restoration, CIP Project Number, PK 07083 as part of the FY 2009 Capital Improvement Program.

MOTION: Strickland
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

35. **RESOLUTION appropriating additional funding for Organized Crime Unit drug funds for Fiscal Year 2009 for the newly formed Interstate Criminal Interdiction Task Force in the amount of \$380,000.00.**

(After a brief discussion of this item, Councilwoman Ware made a motion for this item to be held for 2 weeks. Her motion was approved without objection)

Held until October 7, 2008

36. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE SHELBY COUNTY DISTRICT ATTORNEY GENERAL'S OFFICE FOR FY 2007 PROJECT SAFE NEIGHBORHOODS (PSN) IN THE AMOUNT OF \$100,000.00. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$100,000.00 IN GRANT FUNDS FOR THE FY 2009 FISCAL YEAR.**

MOTION: Hedgepeth
SECOND: Strickland
AYES: Boyd, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Collins recused
Brown and Flinn did not cast a vote

APPROVED

37. **RESOLUTION APPROVING AN OPTION AGREEMENT WITH METAL MANAGEMENT, LLC FOR POSSIBLE LEASE OF CERTAIN PROPERTY IN PIDGEON INDUSTRIAL PARK, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON JULY 24, 2008.**

Contract No. CR-5118

MOTION: Collins
SECOND: Sammons
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Ware and Chairman Lowery
Brown, Flinn and Strickland did not cast a vote

APPROVED

38. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$940,000.00 IN G.O. GENERAL BOND FUNDS TO TRAFFIC SIGNALS, PROJECT NUMBER EN01004 IN FURNITURE, FIXTURES AND EQUIPMENT FOR THE PURCHASE OF EQUIPMENT USED IN THE INSTALLATION OF TRAFFIC SIGNALS BY CITY FORCES.**

City Engineer recommends approval

MOTION: Morrison
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Flinn and Hedgepeth

APPROVED

39. **RESOLUTION ACCEPTING ADDITIONAL FEDERAL GRANT FUNDS IN THE AMOUNT OF \$1,142,088.28 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE COORDINATED TRAFFIC SIGNAL SYSTEM YEAR ONE PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON LAMAR AVENUE IN THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET BY ADDING THESE FUNDS TO THE PROJECT (EN90003) AND APPROPRIATES GRANT FUNDS.**

City Engineer recommends approval

MOTION: Morrison
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Flinn did not cast a vote

APPROVED

40. **RESOLUTION APPROPRIATING \$3,791,089.00 FUNDED BY G.O. BONDS GENERAL FOR RESURFACE OF STREETS 2009 – GROUP 1, PROJECT NUMBER PW01190 FOR A CONSTRUCTION CONTRACT WITH APAC TENNESSEE, INC.**

MOTION: Morrison
SECOND: Sammons
AYES: Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Ware and Chairman Lowery
Boyd and Strickland did not cast a vote

APPROVED

41. **RESOLUTION APPROPRIATING \$232,878.00 FUNDED BY SEWER FUNDS FOR ROCKY WOODS SEWER EXTENSION, PROJECT NUMBER SW03017 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC TO EXTEND THE SEWER LINE.**

MOTION: Morrison
SECOND: Hedgepeth
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Collins and Ford did not cast a vote

APPROVED

42. **RESOLUTION APPROPRIATING \$220,000.00 FUNDED BY SEWER FUNDS FOR CONCRETE REPLACEMENT FY09, PROJECT NUMBER SW02077 FOR A CONSTRUCTION CONTRACT WITH WADE ENTERPRISES.**

MOTION: Morrison

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Sammons, Strickland, Ware and Chairman Lowery
Ford did not cast a vote

APPROVED

43. **RESOLUTION AUTHORIZING ACQUISITION BY CONDEMNATION OR BY PURCHASE OF PROPERTY FOR IMPROVEMENT OF CEDAR CREEK P.D. SEWER EXTENSION, PLAT 3 OF 9, CONTAINING 11,040.82 SQUARE FEET FOR A SANITARY SEWER EASEMENT AND 26,434.32 SQUARE FEET FOR A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS THE PROPERTY LOCATED EAST OF PISGAH ROAD AND NORTH OF LATTING ROAD IN CORDOVA SHELBY COUNTY, TENNESSEE. RESOLUTION PROVIDES THAT A TOTAL OF \$12,300.00 BE DEPOSITED WITH THE CIRCUIT COURT CLERK, PENDING COMPLETION OF THE SUIT OR SETTLEMENT BY THE PARTIES.**

Director of General Services, Public Works and City Engineer recommends approval

Chairman Lowery recognized the following people from the audience:

John & Deborah Carries, 10310 Latting Road, Cordova, TN. 38016

MOTION: Morrison

SECOND: Halbert

AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Lowery

NAYS: Collins and Strickland
Sammons did not cast a vote

APPROVED

50. **RESOLUTION AMENDING THE CITY COUNCIL RULES OF PROCEDURE TO DESIGNATE SPONSORS OF COUNCIL GENERATED LEGISLATION ON ACCOMPANYING DOCUMENTATION.**

(Councilman Strickland offered a friendly amendment to this resolution and it was accepted without objection)

MOTION: Halbert

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,

Sammons, Strickland, Ware and Chairman Lowery

APPROVED, as amended

54. **RESOLUTION REESTABLISHING THE CITY HALL RECYCLING COMMITTEE.**

MOTION: Strickland
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Sammons, Strickland, Ware and Chairman Lowery

APPROVED

(Special Item #1)

Approval of the Minutes for Items #22, #23 & #24, from tonight's meeting

MOTION: Ware
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison,
Sammons, Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

Chairman Lowery recognized the following people who spoke from the audience:

Chandra L. Bailey, 6894 Southknoll, 38053
Eric Henderson, 3517 Hillridge, Memphis, TN. 38109
Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 6:17 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records